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09/916,946	07/26/2001	Louis A. Duran	42390P11383	8807

EXAMINER
ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2126	

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/916,946	DURAN ET AL.
	Examiner	Art Unit	
	Charles E Anya	2126	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3/_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 July 2001_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-36_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.　　Claims 1-36 are pending in this application.

Claim Rejections - 35 USC § 112

2.　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.　　Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.　　Claims 5 and 6 recite the limitation "the input" in line 1 respectively. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of this office action the examiner would change the phrase "the input" to "the user input".

Claim Rejections - 35 USC § 103

5.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-6 and 31-36 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over EPO Pat. No. 398647 A2 to Beckham et al. in view of U.S. Pat.

No. 5,978,590 to Imai et al.

7.   As to claim 1, Beckham teaches a method comprising: requesting from a user

access to a repository of a first file component (Block 102 Col. 10 Ln. 20 – 29), receiving

from the user input to provide access to the repository/accessing at the repository a file

that loads the first file component (Block 4 Col. 10 Ln. 25 – 33) and identifies the

repository as the location of a second file component (Col. 10 Ln. 33 – 38) and

retrieving from the repository the second file component (Col. 10 Ln. 39 – 45).

8.   Beckham is silent with respect to installing/loading file component for a device.

9.   Imai teaches installing/loading file component for a device (Col. 5 Ln. 50 – 63).

10.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Beckham and Imai because the

teaching of Imai would improve the system of Beckham by initializing/setting up a new

device (Col. 5 Ln. 55 – 63).

11.   As to claim 2, Beckham teaches the method of claim 1, wherein the repository

further comprises a removable storage device ("…custom install diskette…" Col. 10 Ln.

14 – 25).

12.   As to claim 3, Imai teaches the method of claim 1, wherein the repository further comprises a non-removable storage device of a computer system (Col. 6 Ln. 9 – 31).

13.   As to claim 4, Imai teaches the method of claim 1, wherein the repository further comprises a location on a computer network (Col. 6 Ln. 9 – 31).

14.   As to claim 5, Beckham teaches the method of claim 1, wherein the user input to provide access to the repository further comprises a location of the repository (Col. 10 Ln. 23 – 38).

15.   As to claim 6, Although Beckham does not explicitly teach the method of claim 1, wherein the user input to provide access to the repository further comprises a filename, a filename is inherent in locating the custom history file.

16.   As to claims 31-36, see the rejection of claims 1 – 6.

17.   **Claims 7-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,681,392 B1 to Henry et al. in view of U.S. Pat. No. 6,704,824 B1 to Goodman.**

18.   As to claim 7, Henry teaches a method of loading files for a hardware device in a computer system having an operating system that detects in a first instance the

hardware device, comprising: accessing a file of a first type at a location provided by a user in response to the operating system's request for user input for a file to load hardware device files for the hardware device ("...Custom Install..." Col. 4 Ln. 4 – 22), the file of the first type identifying the hardware device (Col. 4 Ln. 23 – 29), the file of the first type loading from the location files of a second type specific to the hardware device, the presence of the files of the second type causing the operating system to perform as though the hardware device files have been loaded; launching the files of the second type ("...driver installation subsystem..." Col. 2 Ln. 59 – 67, Col. 6 Ln. 17 – 24), the files of the second type installing the hardware device files from the location (Col. 6 Ln. 17 – 24), the files of the second type providing an indication to the operating system that at the location reside files of the operating system utilized, based on the identification of the operating system, to operate the hardware device (Remote subsystem Information Subsystem 708 Col. 6 Ln. 24 – 28), the files of the second type preventing the operating system from attempting to load hardware device files and installing the files of the operating system in response to the indication to the operating system that the files of the operating system reside at the location (Col. 2 Ln. 59 – 67, Col. 4 Ln. 40 – 45, Col. 5 Ln. 19 – 30).

19.   Henry is silent with respect to the files of the second type determining an identification of the operating system and the files of the second type causing the operating system to detect the hardware device in a second instance.

20.   Goodman teaches the files of the second type determining an identification of the operating system (Col. 5 Ln. 57 – 61: NOTE: Although identification of an operating

system is not explicitly taught, the fact that multiple operating system is disclosed

provides for identifying appropriate operating system during software installation) and

the files of the second type causing the operating system to detect the hardware device

in a second instance (figure 3 (Step 330) Col. 5 Ln. 5 – 7).

21.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Henry and Goodman because the

teaching of Goodman would improve the system of Henry by indicating the successful

completion of device installation (Goodman Col. 5 Ln. 5 – 7).

22.   As to claim 8, Goodman teaches the method of claim 7, wherein the hardware

device further comprises a Plug-and-Play network adapter (Col. 5 Ln. 33 – 43).

23.   As to claim 9, Goodman teaches the method of claim 8, wherein the Plug-and-

Play network adapter further comprises a Universal Serial Bus (USB) network adapter

(Col. 4 Ln. 19 – 21).

24.   As to claim 10, Goodman teaches the method of claim 8, wherein the Plug-and-

Play network adapter further comprises a Personal Computer Memory Card

International Association (PCMCIA) network adapter (Col. 4 Ln. 1 – 5).

25.   As to claim 11, Goodman teaches the method of claim 8, wherein the Plug-and-Play network adapter further comprises a Peripheral Component Interconnect (PCI) network adapter (figure 2).

26.   As to claim 12, Goodman teaches the method of claim 7, wherein the operating system further comprises a Plug-and-Play compliant operating system (Microsoft Windows Col. 5 Ln. 57 – 58).

27.   As to claim 13, Henry teaches the method of claim 7, wherein the operating system request for user input for the file to load hardware device files further comprises a request for a location of the file to load the hardware device files (Col. 4 Ln. 23 – 28).

28.   As to claim 14, Henry teaches the method of claim 7, wherein the hardware device files further comprise device driver files (Col. 4 Ln. 40 – 45).

29.   As to claim 15, Henry teaches the method of claim 7, wherein the file of the first type further comprises an installation information file (Col. 4 Ln. 4 – 12).

30.   As to claim 16, Henry teaches the method of claim 7, wherein the location further comprises a removable storage device (Col. 7 Ln. 14 – 18).

31.   As to claim 17, Henry teaches the method of claim 7, wherein the presence of

the files of the files of the second type is not sufficient for the hardware device to

function in the computer system ("...driver Installation Subsystem..." :NOTE: Installation

of drivers is effected after the installation of driver installation subsystem Col. 6 Ln. 18 –

24).

32.   As to claim 18, see the rejection of claim of 7.

33.   As to claim 19, Henry teaches the method of claim 7, wherein the indication to

the operating system that at the location resides the files of the operating system further

comprises modifying a registry of the operating system ("...updated..." Col. 2 Ln. 39-

49).

34.   As to claim 20, Henry teaches the method of claim 7, wherein causing the

operating system to detect the hardware device in a second instance further comprises

shutting down and restarting the computer system (Abstract).

35.   As to claim 21, see the rejection of claims 7,18 and 19 above.

36.   As to claim 22, see the rejection of claim 12.

37.   As to claim 23, see the rejection of claim 8.

38.   As to claim 24, see the rejection of claim 16.

39.   As to claim 25, Henry teaches the article of claim 21, wherein the operating

system files further comprise networking files (Col. 2 Ln. 49 – 51).

40.   As to claim 26, Henry teaches an apparatus for use with a computer system

comprising: a master information file at a location provided by a user in response to a

request by an operating system for a location of a file to load device driver files for a

hardware device detected by the operating system ("...Custom Install..." (figure 3) Col.

4 Ln. 4 – 22), including a hardware device identifier to identify the hardware device (Col.

23 – 28), a custom installer loader to load a custom installer specific to the hardware

device and cause the operating system to perform as though device driver files have

been loaded; and the custom installer, including a device driver loader to load the

device driver files ("...install engine..." Col. 2 Ln. 59 – 67, Col. 6 Ln. 18 – 24) and an

operating system files pointer to modify a registry of the operating system in order to

direct the operating system to the location to retrieve operating system files that the

operating system utilizes to operate the hardware device ("...updated..." Col. 2 Ln. 39 –

51).

41.   Henry is silent with respect to an operating system identifier to identify the

operating system, a hardware device detection generator to cause the operating system

to detect the hardware device, and a loaded device driver files indicator to prevent the

operating system from requesting from the user a location of the file to load the device driver files.

42.   Goodman teaches an operating system identifier to identify the operating system, (Col. 5 Ln. 57 – 61: NOTE: Although identification of an operating system is not explicitly taught, the fact that multiple operating system is disclosed provides for identifying appropriate operating system during software installation), a hardware device detection generator to cause the operating system to detect the hardware device and a loaded device driver files indicator to prevent the operating system from requesting from the user a location of the file to load the device driver files (figure 3 Col. 4 Ln. 15 – 67).

43.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Henry and Goodman because the teaching of Goodman would improve the system of Henry by implementing driver installation (Goodman Col. 4 Ln. 66 – 67).

44.   As to claim 27, see the rejection of claim 12 above.

45.   As to claim 28, see the rejection of claim 8 above.

46.   As to claim 29, see the rejection of claim 16 above.

47.   As to claim 30, see the rejection of claim 25 above.

Conclusion

48.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

49.   U.S. Pat. No. 6,279,154 B1 to Davis.

50.   U.S. Pat. No. 5,555,416 to Owens et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126

cea.

ST. JOHN COURTENAY III
PRIMARY EXAMINER